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John K. Fiorilla
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June 7, 2005

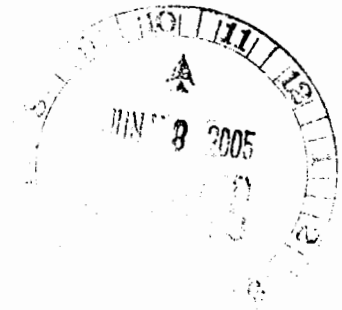
Via United Parcel Service, Next Day Air

Mr. Vernon A. Williams
Office of the Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

FEE RECEIVED

JUN 8 - 2005

**SURFACE
TRANSPORTATION BOARD**



Re: New Haven National Rail Terminal Transportation Company, L.L.C.
Verified Notice of Exemption - Lease and Operation of 3.5 Miles of Track on the
Former Cedar Hill Yard, New Haven and North Haven Connecticut
Finance Docket No. FD-34690
Our File No. 6294.05244

**ENTERED
Office of Proceedings**

JUN 8 - 2005

**Part of
Public Record**

Dear Mr. Williams:

This firm represents the New Haven National Rail Terminal Transportation Company, L.L.C. (NHNRT) of New Haven, Connecticut, a non carrier.

Enclosed please find for filing an original and ten copies of the Verified Notice of Exemption and Notice of Lease and Operation of a certain line of Railroad located in New Haven, Connecticut. The line is leased to NHNRT by CSX Transportation Company.

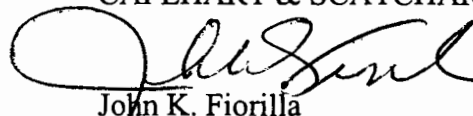
Also enclosed is a disc with a copy of the application in Microsoft Word format.

Also enclosed are two additional copies to be stamped filed and returned to me in the self-addressed stamped envelope enclosed. The filing fee of \$1,500.00 is enclosed herewith.

Your prompt attention to this matter is kindly appreciated.

Sincerely,

CAPEHART & SCATCHARD, P.A.


John K. Fiorilla

FILED

JUN 8 - 2005

**SURFACE
TRANSPORTATION BOARD**

JKF/ajd
Enclosure

cc: Paul Hitchcock, Esq. (w/encl, via United Parcel Service, Next Day Air)
Mr. James Hill (w/encl, via United Parcel Service, Next Day Air)
Mr. Leonard Kellermann (w/encl, via United Parcel Service, Next Day Air)
See List of Shippers Attached (w/encl)

AJD/S01265

Olympic Steel
1 Eastern Steel Road
Milford, CT 06460-2837

Koppers, Inc.
2028 Koppers Building
436 7th Avenue
Pittsburgh, PA 15219-1800

Skyline Steel
5610-B Sandy Lewis Drive
Fairfax, VA 22032-4034

Feroletto Steel
Barnum Station
300 Scofield Avenue
P.O. Box 3344
Bridgeport, CT 06605

Rafferty Brown Steel Company
240 Huntington Avenue
Waterbury, CT 06708-1429

Clifford Metal
200 Corliss Street
Providence, RI 02904-2602

Severstal NA, Inc.
3001 Miller Road
Dearborn, MI 48121-1699

Chaparral Steel
300 Ward Road
Midlothian, TX 76065-9646

Bluelinx Corporation
3rd Floor
4300 Wildwood Parkway
Atlanta, GA 30339-8440

Nutmeg Forest Products
111 Beach Road
P.O. Box 689
Fairfield, CT 06824

Lawrence R. McCoy
812 North Quaker Hill Road
Pawling, NY 12564-1624

Lyon & Billard
38 Gypsy Lane
Meriden, CT 06451-7910

East Haven Builders
193 Silver Sands Road
P.O. Box 120280
East Haven, CT 06512-4124

Country Lumber
96 Railroad Avenue
Cheshire, CT 06410-2409

Sterling Steel
101 Avenue K
Sterling, IL 61081-3229

Circle of Life, L.L.C.
80 Middletown Avenue
New Haven, CT 06513-2101

Highway Safety Corporation
P.O. Box 538
Glastonbury, CT 06033

L.B. Forster
Suite 5
168 South Street
Plainville, MA 02762

Bushwick Steel
560 North Washington Avenue
Bridgeport, CT 06604-2900

Metal Management
234 Universal Drive
North Haven, CT 06473

Regan Metal Corporation
P.O. Box 296
New Britain, CT 06050-0296

Nucor Steel
P.O. Box 2259
Mount Pleasant, SC 29465-2259

Connecticut Steel
35 Toelles Road
Wallingford, CT 06492-4419

Rex-Forge
335 Atwater Street
Plantsville, CT 06479-1653

Before the
Surface Transportation Board

Finance Docket No:

FD-34690

In the Matter
of
NEW HAVEN NATIONAL RAIL TERMINAL
TRANSPORTATION COMPANY, L.L.C.
Lease and Operation Exemption
Of 3.5 miles of track in the former Cedar Hill Yard, New Haven and North Haven,
Connecticut

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. § 10901 and 49 C.F.R. 1150.31

NOTICE OF LEASE AND OPERATION OF RAIL LINE
INFORMATION REQUIRED BY 49 C.F.R, 1150.33

Submitted By:

John K. Fiorilla
Capehart & Scatchard, P.A.
8000 Midlantic Drive Suite 300
Mount Laurel, N.J. 08054
(856) 914-2054
Counsel for Petitioner

Dated: June 7, 2005

Before the
Surface Transportation Board

Finance Docket No:

FD-34690

In the Matter
of
NEW HAVEN NATIONAL RAIL TERMINAL
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NOTICE OF LEASE AND OPERATION OF RAIL LINE
INFORMATION REQUIRED BY 49 C.F.R. 1150.33

Name and address of the applicant: 49 CFR 1150.33 (a)

New Haven National Rail Terminal Transportation Company L.L.C.
80 Middletown Avenue
New Haven, CT 06513

Applicant's Representative:

49 CFR 1150.33 (b)

John K. Fiorilla
Capehart & Scatchard P.A.
Suite 300
8000 Midlantic Drive
Mount Laurel, N.J. 08054
856-914-2054
jfiorilla@capehart.com

Statement of Agreement:

49 CFR 1150.33(c)

On September 17, 1996, NICESCA, LLP a corporation related to the applicant entered into an land lease of five parcels of land with the Consolidated Rail Corporation for land and tracks in Conrail's Cedar Hill Yard in the City of New Haven and Town of North Haven, County of New Haven, State of Connecticut. The initial term of the lease is thirty years (retroactive to January 1, 1992) with three renewal options of ten years each terminating if exercised by the lessee on December 31, 2051. The amount of land leased is in excess of 95 acres and contains approximately 3.5 miles of track.

The lease in question was conveyed to CSX Transportation as a successor to Consolidated Rail in June of 1999 as part of the partition of Consolidated Rail Corporation in FD 34444. Petitioner has, since the beginning of the lease, been placing shipments for more than twenty shippers at the interchange point of Cedar Hill Yard for pickup by Conrail and now by CSXT. Petitioner desires to become a common carrier for freight for the many shippers who use its leased premises to stage and store their goods and to interchange cars with CSXT in this process.

Petitioner and CSXT expect to enter into a formal interchange agreement with mutually acceptable terms in the near future. These terms have been discussed in detail with CSXT and Petitioner wishes to become a common carrier as soon as possible.

Operator of the Property:

49 CFR 1150.33 (d)

The petitioner, the New Haven National Rail Terminal and Transportation Company, L.L.C. will hold itself out to provide common carrier rail freight service on the leased premises interchanging with CSXT in New Haven, Connecticut.

Brief Summary of Transaction:

49 CFR 1150.33 (e)

The New Haven National Rail Terminal Transportation Company L.L.C. is a non carrier which has been moving freight in the Cedar Hill Yard leased premises since 1992. NHNRT will initially serve the needs of twenty-five different shippers within the leased premises. The shippers which currently use the premises include Olympic Steel, Milford, CT, Koppers, Inc., Pittsburgh, PA, Skyline Steel, Fairfax, VA, Ferroto Steel, Bridgeport, CT, Rafferty Brown Steel Co, Waterbury, CT., Clifford Metal, Providence, RI, Severstal NA, Inc., Dearborn, MI; Chaparral Steel, Midlothian, TX; Bluelinx Corp, Atlanta, GA; Nutmeg Forest Products, Fairfield, CT; Lawrence R. McCoy, Pawling, NY; Lyon & Billard, Meriden, CT; East Haven Builders, East Haven, CT; Country Lumber, Cheshire, CT; Sterling Steel, Sterling IL; Circle of Life, LLC, New Haven, CT, Highway Safety Corp. Glastonbury CT; LB Forster, Plainville MA; Bushwick Steel, Bridgeport, CT; Metal Management, North Haven CT; Regan Metal Corp, New Britain, CT; Nucor Steel, Mt. Pleasant, SC; Connecticut Steel, Wallingford, CT and Rex-Forge, Plantsville, CT . NHNRT would like to provide additional services to the shipping public through these facilities which total over 95 acres of property as a common carrier. Petitioner proposes to commence common carrier operations over the tracks in the leased areas soon after the date this Verified Notice of Exemption is filed. NHNRT has received no objection to its proposal from CSXT with which it has discussed its plans in detail.

Map:

49 CFR 1150.33 (f)

A map of the line to be operated is attached as Exhibit A.

Certificate of Carrier Classification:

49 CFR 1150.33(g)

The New Haven National Rail Terminal Transportation Company, L.L.C. projects that its projected annual revenues will be less than \$ 5,000,000.00 annually. A certificate complying with the provisions of 49 CFR 1150.33(g) is attached as Exhibit B to this Notice.

Labor Protective Conditions:

Pursuant to 49 U.S.C. § 10902, labor protective conditions do not apply and will not be imposed. It should be noted that all work currently performed by CSXT will continue to be performed by CSXT and its crews. It is hoped that the increase of traffic the petitioner hopes to create will increase the amount of cars to be handled by it and by CSXT.

Caption Summary:

49 CFR 1150.34

A caption Summary in the prescribed form is attached as Exhibit C to this Notice.

Environmental and Historic Preservation Matters:

Pursuant to 49 CFR 1105.6 (c)(2), the proposed transaction is exempt from environmental review under 49 CFR 1105.6 (c)(2)(i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 CFR 1105.7(e) (4) or (5).

In addition, this transaction is exempt from historic review under 49 CFR § 1105.8 (b) (1). Under this section a sale, lease or transfer of a rail line is exempt if rail operations will continue. Further Board approval is required for the parties to abandon service, and there are no plans to dispose of or alter the properties subject

to Board jurisdiction.

Respectfully Submitted,

Dated: June 7, 2005

By

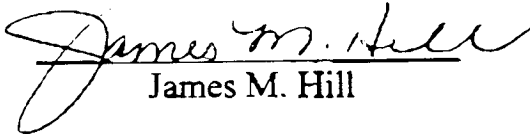


John K. Fiorilla
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Suite 300
8000 Midlantic Drive
Mount Laurel, NJ 08054
(856) 914-2054
jfiorilla@capehart.com
Attorney for Petitioner
New Haven National Rail Terminal
Transportation Company, L.L.C.

VERIFICATION

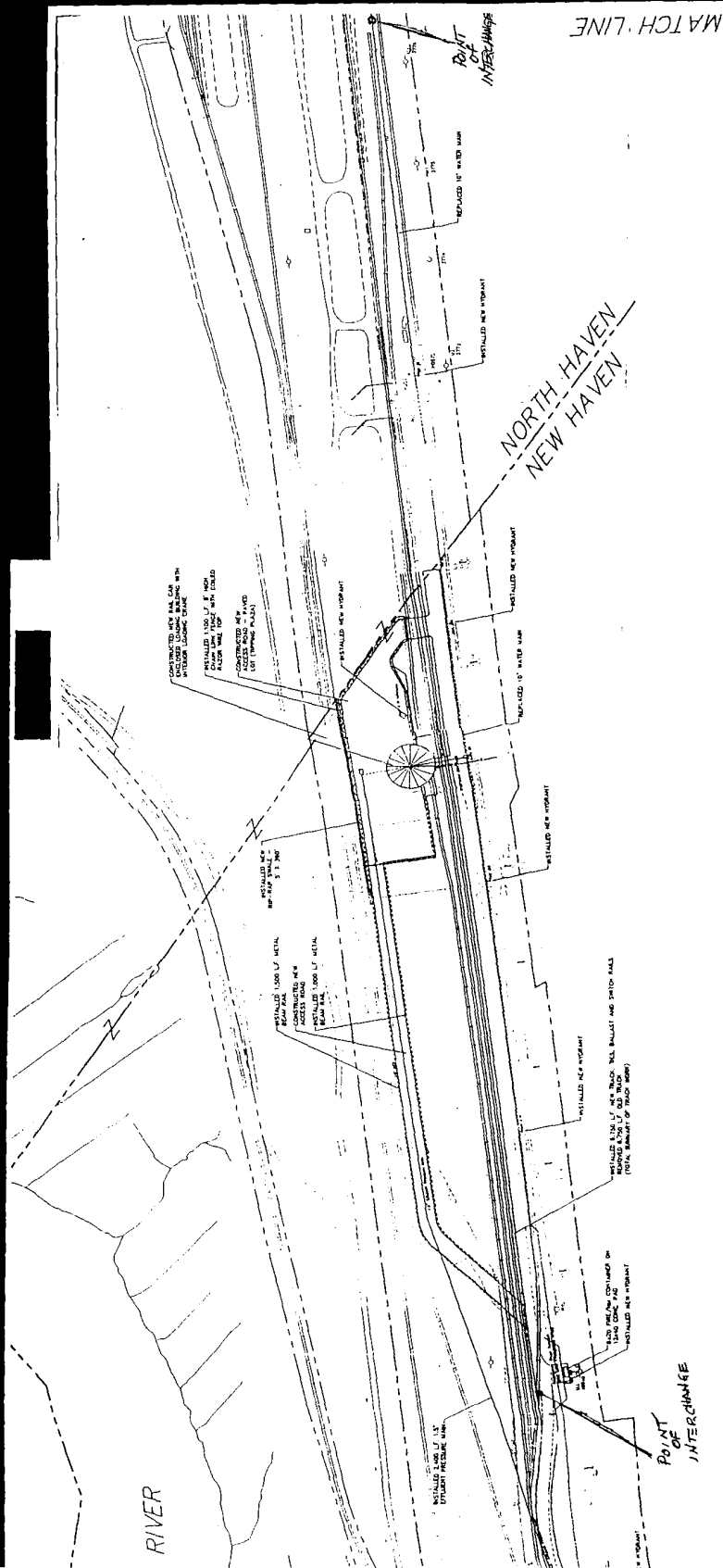
I, James M. Hill, Chief Operating Officer of the petitioner hereby certifies that I have read the foregoing Notice of Exemption and am knowledgeable of facts stated therein, and that the same are true as stated to the best of my knowledge. I am aware that if any of the foregoing statements are willfully false, that I am subject to punishment.

June 6, 2005


James M. Hill

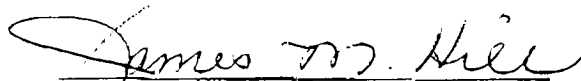
EXHIBIT

RIVER



CERTIFICATION

I, James M. Hill, Chief Operating Officer of the Petitioner, hereby certify under penalty of perjury that the projected annual revenues of Petitioner, in the aggregate, will not exceed \$5,000,000 and that Petitioner will be a Class III rail carrier as set forth at 49 CFR 1201 (1-1) (a). Further I certify that I am qualified and authorized to make this certification on behalf of Petitioner.


James M. Hill

June 7, 2005

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Exhibit C

Before the
Surface Transportation Board

Finance Docket No:

FD-34690

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of
NEW HAVEN NATIONAL RAIL TERMINAL
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INFORMATION REQUIRED BY 49 C.F.R. 1150.33

New Haven National Rail Terminal Transportation Company, L.L.C., a non carrier, has filed a verified notice of exemption under 49 C.F.R. § 1150.31 to operate as a common carrier 3.5 miles of track on 95+ acres of the former Cedar Hill Yard it leases from CSXT in the City of New Haven and Town of North Haven, Connecticut.

Any comments must be filed with the Surface Transportation Board and served on John K. Fiorilla, Capehart & Scatchard, P.A., 8000 Midlantic Drive Suite 300, Mount Laurel, N.J. 08054. Mr. Fiorilla's telephone is (856)-914-2054.

This notice is filed under 49 C.F.R. 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

AJD\501269